

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 5 be amended to read as follows:

- 1 Page 2, between lines 10 and 11, begin a new paragraph and insert:
- 2 "SECTION 2. IC 35-45-2-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who
- 4 communicates a threat to another person, with the intent:
- 5 (1) that the other person engage in conduct against the other
- 6 person's will;
- 7 (2) that the other person be placed in fear of retaliation for a prior
- 8 lawful act; or
- 9 (3) of causing:
- 10 (A) a dwelling, a building, or another structure; or
- 11 (B) a vehicle;
- 12 to be evacuated;
- 13 commits intimidation, a Class A misdemeanor.
- 14 (b) However, the offense is a:
- 15 (1) Class D felony if:
- 16 (A) the threat is to commit a forcible felony;
- 17 (B) the person to whom the threat is communicated:
- 18 (i) is a law enforcement officer;
- 19 (ii) is a judge or bailiff of any court;
- 20 (iii) is a witness (or the spouse or child of a witness) in any
- 21 pending criminal proceeding against the person making the
- 22 threat;
- 23 (iv) is an employee of a school corporation; ~~or~~
- 24 (v) is a community policing volunteer;
- 25 **(vi) is an employee of a court;**

(vii) is an employee of a probation department; or  
 (viii) is an employee of a community corrections program.

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle."

Page 2, line 11, after "IC 35-45-1-3" delete "," and insert "**and IC 35-45-2-1, both**".

Page 2, line 12, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 5 as printed February 17, 2006.)

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Representative Goodin